

**Executive Summary – Enforcement Matter – Case No. 44934**  
**Superior Pipeline Texas, L.L.C.**  
**RN104377981**  
**Docket No. 2012-1818-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Hobart Plant, 15042 Farm-to-Market Road 3044, Canadian, Hemphill County

**Type of Operation:**

Natural gas processing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** February 22, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$33,825

**Amount Deferred for Expedited Settlement:** \$6,765

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$27,060

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - High

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 44934**  
**Superior Pipeline Texas, L.L.C.**  
**RN104377981**  
**Docket No. 2012-1818-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 12, 2012

**Date(s) of NOE(s):** August 22, 2012

***Violation Information***

1. Failed to create a final record for all non-reportable emissions events no later than two weeks after the end of the emissions event. Specifically, unauthorized emissions were documented to have been released from a pressure relief valve on the Bailey Dehydrator Still Vent (Emissions Point Number (“EPN”) SC-2) during a non-reportable emissions event that occurred during start-up of the glycol reboiler on June 12, 2012; however, a final record was not created for the emissions event [30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to conduct visible emissions observations of stationary vents at least once during each calendar quarter. Specifically, quarterly visible emissions observations were not being conducted [Federal Operating Permit (“FOP”) No. O3078/General Operating Permit (“GOP”) No. 514, Site Wide Requirements (b)(9)(B)(iv)(a), 30 TEX. ADMIN. CODE § 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the permitted volatile organic compound (“VOC”) emissions rate of 0.16 pound per hour (“lb/hr”) for the Plant A and B Dehydrator Still Vent (EPN SC-1) and 0.10 lb/hr for the Bailey Dehydrator Still Vent (EPN SC-2). Specifically, emissions were estimated to be 0.5951 lb/hr from EPN SC-1 and 0.4379 lb/hr from EPN SC-2 [FOP No. O3078/GOP Permit No. 514, Site Wide Requirements (b)(8)(E)(ii), Standard Permit Registration No. 96594, 30 TEX. ADMIN. CODE §§ 122.143(4) and 116.615(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to report all instances of deviations. Specifically, deviations were documented to have occurred during the February 2, 2011 to August 1, 2011 reporting period; however, a semi-annual deviation report was not submitted [FOP No. O3078/GOP No. 514, Site Wide Requirements (b)(2), 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to comply with the permitted VOC emissions rate of 0.29 tons per year (“tpy”) for the Bailey Dehydrator Still Vent (EPN SC-2). Specifically, reported emissions from EPN SC-2 for the 2011 calendar year were 0.31 tpy, resulting in the release of approximately 40 lbs of unauthorized VOC emissions [FOP No. O3078/GOP No. 514, Site Wide Requirements (b)(8)(E)(ii), Standard Permit Registration No. 96594, 30 TEX. ADMIN. CODE §§ 116.615(2) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

**Executive Summary – Enforcement Matter – Case No. 44934**  
**Superior Pipeline Texas, L.L.C.**  
**RN104377981**  
**Docket No. 2012-1818-AIR-E**

6. Failed to obtain the proper authorization for a storage tank. Specifically, Respondent did not include Storage Tank No. V-10903 in the standard permit application submitted on May 5, 2011 for Standard Permit Registration No. 96594 [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures:

a. On February 21, 2012, obtained an amendment for Standard Permit Registration No. 96594 that increased the VOC emissions rate for the Bailey Dehydrator Still Vent (EPN SC-2) to 0.44 tpy;

b. On August 30, 2012, completed employee training on semi-annual deviation reporting requirements;

c. On September 20, 2012, completed employee training on record keeping requirements for non-reportable emissions events;

d. On September 26, 2012, obtained certification for Plant personnel to conduct opacity and visible emissions observations;

e. On October 22, 2012, removed Storage Tank No. V-10903 from the Plant; and

f. On October 25, 2012, conducted visible emissions observations at the Plant.

**Technical Requirements:**

The Order will require Respondent to, within 180 days, submit written certification to demonstrate compliance with the permitted VOC hourly emissions rates or any amended emissions rates for the Plant A and B Dehydrator Still Vent (EPN SC-1) and the Bailey Dehydrator Still Vent (EPN SC-2).

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 44934**  
**Superior Pipeline Texas, L.L.C.**  
**RN104377981**  
**Docket No. 2012-1818-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Rebecca Johnson, Enforcement Division,  
Enforcement Team 5, MC R-14, (361) 825-3423; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Robert H. Parks, President, Superior Pipeline Texas, L.L.C., 7130 South  
Lewis Avenue, Suite 1000, Tulsa, Oklahoma 74136-5465

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	28-Aug-2012	<b>Screening</b>	7-Sep-2012	<b>EPA Due</b>	19-May-2013
	<b>PCW</b>	5-Oct-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Superior Pipeline Texas, L.L.C.		
<b>Reg. Ent. Ref. No.</b>	RN104377981		
<b>Facility/Site Region</b>	1-Amarillo	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	44934	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-1818-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: The Respondent submitted one notice of intent to conduct an audit and one disclosure of violations, however, since the adjustment would be less than zero, the total adjustment defaults to zero.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$750
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$110  
Approx. Cost of Compliance: \$1,500  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$6,750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,750
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,350
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$5,400
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Screening Date 7-Sep-2012

Docket No. 2012-1818-AIR-E

PCW

Respondent Superior Pipeline Texas, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 44934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104377981

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

The Respondent submitted one notice of intent to conduct an audit and one disclosure of violations, however, since the adjustment would be less than zero, the total adjustment defaults to zero.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

Screening Date 7-Sep-2012

Docket No. 2012-1818-AIR-E

PCW

Respondent Superior Pipeline Texas, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 44934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104377981

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 116.110(a) and Tex. Health &amp; Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description

Failed to obtain the proper authorization for a storage tank. Specifically, the Respondent did not include Storage Tank No. V-10903 in the standard permit application submitted on May 5, 2011 for Standard Permit Registration No. 96594.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 3

87 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Three monthly events are recommended from the June 12, 2012 Investigation date to the September 7, 2012 screening date.

## Good Faith Efforts to Comply

10.0% Reduction

\$750

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent completed corrective actions on October 22, 2012, after the August 22, 2012 NOE.

Violation Subtotal \$6,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$110

Violation Final Penalty Total \$6,750

This violation Final Assessed Penalty (adjusted for limits) \$6,750

# Economic Benefit Worksheet

**Respondent** Superior Pipeline Texas, L.L.C.

**Case ID No.** 44934

**Reg. Ent. Reference No.** RN104377981

**Media** Air

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	5-May-2011	22-Oct-2012	1.47	\$110	n/a	\$110

**Notes for DELAYED costs**

Estimated cost to remove Storage Tank No. V-10903 from the plant. The Date Required is the date the incomplete standard permit application was submitted. The Final Date is the date corrective actions were completed.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,500

**TOTAL**

\$110





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned PCW</b>	28-Aug-2012	<b>Screening</b>	7-Sep-2012	<b>EPA Due</b>	19-May-2013
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## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Superior Pipeline Texas, L.L.C.		
<b>Reg. Ent. Ref. No.</b>	RN104377981		
<b>Facility/Site Region</b>	1-Amarillo	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	44934	<b>No. of Violations</b>	5	
<b>Docket No.</b>	2012-1818-AIR-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson	
		<b>EC's Team</b>	Enforcement Team 5	
<b>Admin. Penalty \$ Limit Minimum</b>		\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$31,750**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **0.0%** Enhancement **Subtotals 2, 3, & 7** **\$0**

Notes: The Respondent submitted one notice of intent to conduct an audit and one disclosure of violations, however, since the adjustment would be less than zero, the total adjustment defaults to zero.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$4,675**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$291  
Approx. Cost of Compliance \$13,000  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$27,075**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$27,075**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$27,075**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$5,415**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$21,660**

Screening Date 7-Sep-2012

Docket No. 2012-1818-AIR-E

PCW

Respondent Superior Pipeline Texas, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 44934

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104377981

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

The Respondent submitted one notice of intent to conduct an audit and one disclosure of violations, however, since the adjustment would be less than zero, the total adjustment defaults to zero.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

Screening Date 7-Sep-2012

Docket No. 2012-1818-AIR-E

PCW

Respondent Superior Pipeline Texas, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 44934

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104377981

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 101.201(b) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to create a final record for all non-reportable emissions events no later than two weeks after the end of the emissions event. Specifically, unauthorized emissions were documented to have been released from a pressure relief valve on the Bailey Dehydrator Still Vent [Emission Point Number ("EPN") SC-2] during a non-reportable emissions event that occurred during start-up of the glycol reboiler on June 12, 2012; however, a final record was not created for the emissions event.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

86 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$3,750

One single event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$375

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent completed corrective actions on September 20, 2012, after the August 22, 2012 NOE.

Violation Subtotal \$3,375

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

# Economic Benefit Worksheet

**Respondent** Superior Pipeline Texas, L.L.C.

**Case ID No.** 44934

**Reg. Ent. Reference No.** RN104377981

**Media** Air

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	26-Jun-2012	20-Sep-2012	0.24	\$18	n/a	\$18
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to implement training and procedures to ensure that final records are created for all non-reportable emissions events. The Date Required is the date of non-compliance. The Final Date is the date corrective actions were completed.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,500

**TOTAL**

\$18

Screening Date 7-Sep-2012

Docket No. 2012-1818-AIR-E

PCW

Respondent Superior Pipeline Texas, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 44934

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104377981

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s)

Federal Operating Permit ("FOP") No. O3078/General Operating Permit ("GOP") No. 514, Site Wide Requirements (b)(9)(B)(iv)(a), 30 Tex. Admin. Code § 122.143(4), and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to conduct visible emissions observations of stationary vents at least once during each calendar quarter. Specifically, quarterly visible emissions observations were not being conducted at the Plant.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$23,250

\$1,750

## Violation Events

Number of Violation Events 1

87 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,750

One single event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$175

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes The Respondent completed corrective actions on October 25, 2012, after the August 22, 2012 NOE.

Violation Subtotal \$1,575

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$46

Violation Final Penalty Total \$1,575

This violation Final Assessed Penalty (adjusted for limits) \$1,575

# Economic Benefit Worksheet

**Respondent** Superior Pipeline Texas, L.L.C.

**Case ID No.** 44934

**Reg. Ent. Reference No.** RN104377981

**Media** Air

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	12-Jun-2012	25-Oct-2012	0.37	\$46	n/a	\$46

### Notes for DELAYED costs

Estimated cost for staff to obtain certification to conduct opacity and visible emissions observations and the estimated cost of conducting the quarterly observations. The Date Required is the investigation date. The Final Date is the date corrective actions were completed.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

**TOTAL**

\$46

Screening Date 7-Sep-2012

Docket No. 2012-1818-AIR-E

PCW

Respondent Superior Pipeline Texas, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 44934

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104377981

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 3

Rule Cite(s)

FOP No. O3078/GOP No. 514, Site Wide Requirements (b)(8)(E)(ii), Standard Permit Registration No. 96594, 30 Tex. Admin. Code §§ 122.143(4) and 116.615(2), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the permitted volatile organic compound ("VOC") emissions rate of 0.16 pound per hour ("lb/hr") for the Plant A and B Dehydrator Still Vent (EPN SC-1) and 0.10 lb/hr for the Bailey Dehydrator Still Vent (EPN SC-2). Specifically, during the June 12, 2012 investigation, emissions were estimated to be 0.5951 lb/hr from EPN SC-1 and 0.4379 lb/hr from EPN SC-2.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Based on the estimated emissions rates, 1,614 lbs of VOC were released. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 2

87 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended from the June 12, 2012 investigation date to the September 7, 2012 screening date.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$117

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

# Economic Benefit Worksheet

**Respondent** Superior Pipeline Texas, L.L.C.

**Case ID No.** 44934

**Reg. Ent. Reference No.** RN104377981

**Media** Air

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	12-Jun-2012	19-May-2013	0.93	\$117	n/a	\$117

**Notes for DELAYED costs**

Estimated cost to implement measures designed to ensure compliance with the permitted VOC emissions rates for EPNs SC-1 and SC-2. The Date Required is the date the unauthorized emissions were documented. The Final Date is the projected compliance date.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$2,500

**TOTAL**

\$117



Screening Date 7-Sep-2012

Docket No. 2012-1818-AIR-E

PCW

Respondent Superior Pipeline Texas, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 44934

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104377981

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 4

Rule Cite(s)

FOP No. O3078/GOP No. 514, Site Wide Requirements (b)(2), 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2), and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations. Specifically, deviations were documented to have occurred during the February 2, 2011 to August 1, 2011 reporting period; however, a semi-annual deviation report was not submitted.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$3,750

One single event is recommended for the one report that was not submitted.

## Good Faith Efforts to Comply

10.0% Reduction

\$375

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	
	Ordinary	x
	N/A	(mark with x)

Notes

The Respondent completed corrective actions on August 30, 2012, after the August 22, 2012 NOE.

Violation Subtotal \$3,375

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$75

Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

# Economic Benefit Worksheet

**Respondent** Superior Pipeline Texas, L.L.C.

**Case ID No.** 44934

**Reg. Ent. Reference No.** RN104377981

**Media** Air

**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	1-Sep-2011	30-Aug-2012	1.00	\$75	n/a	\$75
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to implement training measures to ensure that semi-annual deviation reports are submitted. The Date Required is the date the semi-annual deviation report was due. The Final Date is the date corrective actions were completed.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,500

**TOTAL**

\$75

Screening Date 7-Sep-2012

Docket No. 2012-1818-AIR-E

PCW

Respondent Superior Pipeline Texas, L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 44934

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104377981

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 5

Rule Cite(s)

FOP No. O3078/GOP No. 514, Site Wide Requirements (b)(8)(E)(ii), Standard Permit Registration No. 96594, 30 Tex. Admin. Code §§ 116.615(2) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the permitted VOC emissions rate of 0.29 tons per year ("tpy") for the Bailey Dehydrator Still Vent (EPN SC-2). Specifically, reported emissions from EPN SC-2 for the 2011 calendar year were 0.31 tpy, resulting in the release of approximately 40 lbs of unauthorized VOC emissions.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 4

365 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$3,750

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on February 21, 2012, prior to the August 22, 2012 NOE.

Violation Subtotal \$11,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$36

Violation Final Penalty Total \$11,250

This violation Final Assessed Penalty (adjusted for limits) \$11,250

# Economic Benefit Worksheet

**Respondent** Superior Pipeline Texas, L.L.C.

**Case ID No.** 44934

**Reg. Ent. Reference No.** RN104377981

**Media** Air

**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	31-Dec-2011	21-Feb-2012	0.14	\$36	n/a	\$36
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to obtain authorization for the additional VOC emissions from EPN SC-2. The date required is the initial date of non-compliance. The final date is the date corrective actions were completed.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$5,000

**TOTAL**

\$36

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603705278 Superior Pipeline Texas, L.L.C. Classification: AVERAGE Rating: 2.58

Regulated Entity: RN104377981 HOBART PLANT Classification: HIGH Site Rating: 0.00

ID Number(s): AIR NEW SOURCE PERMITS AFS NUM 4821100055  
AIR NEW SOURCE PERMITS REGISTRATION 96594  
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HLA007G  
AIR OPERATING PERMITS PERMIT 3078  
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HLA007G

Location: 15042 FM 3044, CANADIAN, TX, 79014

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: September 20, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 28, 2007 to August 28, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (361) 825-3423

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |           |
|---|------------|-----------|
| 1 | 06/12/2012 | (1013120) |
| 2 | 08/15/2008 | (689639)  |
| 3 | 08/29/2011 | (948743)  |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
- F. Environmental audits.

**Notice of Intent Date:** 03/31/2010 (799516)

**Disclosure Date:** 08/27/2010

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter F 122.503(a)(1)

Description: Failed to include in the plant records that a vertical wastewater tank was installed in place of a permitted horizontal wastewater tank.

- G. Type of environmental management systems (EMSs).  
N/A

- H. Voluntary on-site compliance assessment dates.  
N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SUPERIOR PIPELINE TEXAS,  
L.L.C.  
RN104377981**

**§ BEFORE THE  
§  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-1818-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Superior Pipeline Texas, L.L.C. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a natural gas processing plant at 15042 Farm-to-Market Road 3044 in Canadian, Hemphill County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 27, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Three Thousand Eight Hundred Twenty-Five Dollars (\$33,825) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Seven

Thousand Sixty Dollars (\$27,060) of the administrative penalty and Six Thousand Seven Hundred Sixty-Five Dollars (\$6,765) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On February 21, 2012, obtained an amendment for Standard Permit Registration No. 96594 that increased the volatile organic compound ("VOC") emissions rate for the Bailey Dehydrator Still Vent [Emissions Point Number ("EPN") SC-2] to 0.44 tons per year ("tpy");
  - b. On August 30, 2012, completed employee training on semi-annual deviation reporting requirements;
  - c. On September 20, 2012, completed employee training on record keeping requirements for non-reportable emissions events;
  - d. On September 26, 2012, obtained certification for Plant personnel to conduct opacity and visible emissions observations;
  - e. On October 22, 2012, removed Storage Tank No. V-10903 from the Plant; and
  - f. On October 25, 2012, conducted visible emissions observations at the Plant.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.



## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to create a final record for all non-reportable emissions events no later than two weeks after the end of the emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 12, 2012. Specifically, unauthorized emissions were documented to have been released from a pressure relief valve on the Bailey Dehydrator Still Vent (EPN SC-2) during a non-reportable emissions event that occurred during start-up of the glycol reboiler on June 12, 2012; however, a final record was not created for the emissions event.
2. Failed to conduct visible emissions observations of stationary vents at least once during each calendar quarter, in violation of Federal Operating Permit ("FOP") No. O3078/General Operating Permit ("GOP") No. 514, Site Wide Requirements (b)(9)(B)(iv)(a), 30 TEX. ADMIN. CODE § 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 12, 2012. Specifically, quarterly visible emissions observations were not being conducted.
3. Failed to comply with the permitted VOC emissions rate of 0.16 pound per hour ("lb/hr") for the Plant A and B Dehydrator Still Vent (EPN SC-1) and 0.10 lb/hr for the Bailey Dehydrator Still Vent (EPN SC-2), in violation of FOP No. O3078/GOP Permit No. 514, Site Wide Requirements (b)(8)(E)(ii), Standard Permit Registration No. 96594, 30 TEX. ADMIN. CODE §§ 122.143(4) and 116.615(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 12, 2012. Specifically, emissions were estimated to be 0.5951 lb/hr from EPN SC-1 and 0.4379 lb/hr from EPN SC-2.
4. Failed to report all instances of deviations, in violation of FOP No. O3078/GOP No. 514, Site Wide Requirements (b)(2), 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 12, 2012. Specifically, deviations were documented to have occurred during the February 2, 2011 to August 1, 2011 reporting period; however, a semi-annual deviation report was not submitted.
5. Failed to comply with the permitted VOC emissions rate of 0.29 tpy for the Bailey Dehydrator Still Vent (EPN SC-2), in violation of FOP No. O3078/GOP No. 514, Site Wide Requirements (b)(8)(E)(ii), Standard Permit Registration No. 96594, 30 TEX. ADMIN. CODE §§ 116.615(2) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 12, 2012. Specifically, reported emissions from EPN SC-2 for the 2011 calendar year were 0.31 tpy, resulting in the release of approximately 40 lbs of unauthorized VOC emissions.
6. Failed to obtain the proper authorization for a storage tank, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during an investigation conducted on June 12, 2012. Specifically, the Respondent did not include Storage Tank No. V-10903 in the standard

permit application submitted on May 5, 2011 for Standard Permit Registration No. 96594.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Superior Pipeline Texas, L.L.C., Docket No. 2012-1818-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 180 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with the permitted VOC hourly emissions rates or any amended emissions rates for the Plant A and B Dehydrator Still Vent (EPN SC-1) and the Bailey Dehydrator Still Vent (EPN SC-2); and
  - b. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Amarillo Regional Office  
Texas Commission on Environmental Quality  
3918 Canyon Drive  
Amarillo, Texas 79109-4933

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Tom Dawkins  
For the Executive Director

3/3/13  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Robert H. Parks  
Signature

12/14/2012  
Date

Robert H. Parks  
Name (Printed or typed)  
Authorized Representative of  
Superior Pipeline Texas, L.L.C.

President  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.